

Elayna J. Youchah, Bar No. 5837  
 youchahe@jacksonlewis.com  
 JACKSON LEWIS LLP  
 3800 Howard Hughes Parkway, Suite 600  
 Las Vegas, Nevada 89169  
 Tel: (702) 921-2460  
 Fax: (702) 921-2461

*Attorneys for Defendant  
 Nevada Property 1, LLC*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

DARLENE LEWIS, on behalf of herself and  
 all others similarly situated,

Plaintiff,

vs.

NEVADA PROPERTY 1, LLC, d/b/a the  
 Cosmopolitan of Las Vegas; and DOES 1  
 through 50, inclusive,

Defendants.

Case No.: 2:12-cv-01564-MMD-GWF

**DEFENDANT NEVADA PROPERTY 1, LLC'S  
 MOTION TO REINSTATE DEFENDANT'S  
 MOTION TO DISMISS PURSUANT TO THE  
 COLORADO RIVER DOCTRINE**

On December 15, 2012, Defendant Nevada Property 1, LLC ("Defendant") filed a motion pursuant to Federal Rule of Civil Procedure 12(b)(3), accompanied by a memorandum of points and authorities, seeking an order dismissing the instant action in its entirety based upon the *Colorado River* doctrine. *See* Doc. 10. The issue was fully briefed, as Plaintiff filed an Opposition on October 29, 2012 (Doc. 16), and Defendant filed a Reply on November 19, 2012 (Doc. 19).

On January 29, 2013, the Court issued an Order granting a stipulation to stay all proceedings in this case through May 3, 2013 to provide the parties with an opportunity to attempt resolution of this matter through meaningful global settlement discussions (Doc. 32). As a result, on January 31, 2013 this Court issued an Order denying Defendant's Motion to Dismiss without prejudice for Defendant to move to reinstate the Motion when the stay is lifted (Doc. 33). The parties thereafter stipulated to extending the stay through July 12, 2013 to continue trying to resolve this matter, which was granted by Order of this Court on April 15, 2013 (Doc. 35).

1 The stay has since been lifted, as the parties have been unable to reach resolution of the claims.  
2 Accordingly, Defendant hereby moves this Court to reinstate Defendant's previously pending Motion to  
3 Dismiss made pursuant to Fed. R. Civ. P. 12(b)(3) and based upon the *Colorado River* doctrine, its  
4 Memorandum of Points and Authorities, all pleadings and documents on file with the Court, and any  
5 argument that the Court deems proper.

6 Dated this 7th day of August, 2013.

7 JACKSON LEWIS LLP

8  
9 /s/ Elayna J. Youchah

10 Elayna J. Youchah, Bar #5837  
11 3800 Howard Hughes Parkway, Suite 600  
12 Las Vegas, Nevada 89169

13 *Attorneys for Defendant*  
14 *Nevada Property 1, LLC*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee Jackson Lewis LLP and that on this 7th day of August, 2013, I caused to be sent via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing **DEFENDANT NEVADA PROPERTY 1, LLC'S MOTION TO REINSTATE DEFENDANT'S MOTION TO DISMISS PURSUANT TO THE COLORADO RIVER DOCTRINE**, properly addressed to the following:

Mark R. Thierman  
Joshua Buck  
Jason Kuller  
Thierman Law Firm, P.C.  
7287 Lakeside Drive  
Reno, Nevada 89511

*Attorneys for Plaintiff*

/s/ Emily Santiago  
Employee of Jackson Lewis LLP